

AUG 18 1998

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

PATRICK FISHER
Clerk

KEVIN WALTER LORD, SR.,

Petitioner - Appellant,

vs.

RON CHAMPION,

Respondent - Appellee.

No. 98-6090
(D.C. No. 96-CV-45-L)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **PORFILIO, KELLY**, and **HENRY**, Circuit Judges.**

Mr. Lord, a state prisoner appearing pro se, seeks to appeal from the magistrate's report and recommendation denying habeas relief, 28 U.S.C. § 2254. Our review of the record indicates Mr. Lord did not file objections to the magistrate's report and recommendations. Accordingly, Mr. Lord has waived appellate review, and our review of the record discloses no reason why the waiver

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

** After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

should not operate to bar review of Mr. Lord's claims. See Talley v. Hesse, 91 F.3d 1411, 1413 (10th Cir. 1996). We DENY Mr. Lord's application for a certificate of probable cause and DISMISS the appeal.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge